

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

HENRY LEWIS PATTERSON, "H.L."

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:10-CV-00153-DCB-JMR

YAZOO CITY, MISSISSIPPI;
YAZOO COUNTY, MISSISSIPPI; and
YAZOO RECREATION COMMISSION

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on Yazoo County's Motion for Entry of Final Judgment Under Federal Rule 54(b) [docket entry no. 175]. Having carefully considered said Motion, applicable statutory and case law, and being otherwise fully advised in the premises, the Court denies Yazoo County's Motion.

The Court granted summary judgment in favor of Yazoo County because it found that Yazoo County could not be considered Patterson's employer under the ADA and ADEA. As Yazoo County is aware, however, the issue of which entity can and cannot be considered Patterson's employer under the ADA and ADEA is a critical issue in this case and is almost certain to be addressed should the trial verdict be appealed. Accordingly, any hardship Yazoo County will incur in having to participate further in the case's litigation is substantially outweighed by the Fifth Circuit's instruction to avoid piecemeal appeals. See, e.g., Eldredge v. Martin Marietta Corp., 207 F.3d 737, 740 (5th Cir. 2000). Accordingly, the Court concludes that in the present case

there is just reason for delaying entry of final judgment in Yazoo County's favor. See Fed. R. Civ. Pro. 54(b).

IT IS THEREFORE HEREBY ORDERED that Yazoo County's Motion for Entry of Final Judgment [**docket entry no. 175**] is **DENIED**.
SO ORDERED this the 19th day of March 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE